



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** International Transcription Services, Inc.--  
Claim for Costs

**File:** B-240488.4

**Date:** September 27, 1991

Julie L. Witcher, Esq., Saul, Ewing, Remick & Saul, for the  
protester.  
Robert C. Arsenoff, Esq., and John Brosnan, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

### DIGEST

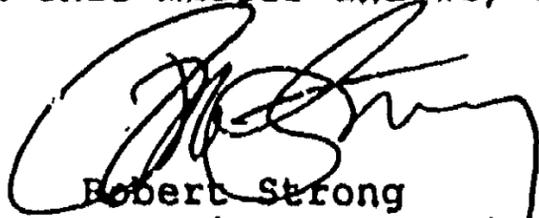
Where no determination has been made by the Comptroller  
General that a contract award violates law or regulation,  
protester is not entitled to an award of protest costs.

### DECISION

On July 19, 1990, International Transcription Services, Inc.  
(ITS) protested the award of a contract to Downtown Copy  
Center by the Federal Communications Commission (FCC), under  
solicitation No. RFP 90-03 for copying services. That protest  
was denied in our decision International Transcription Servs.,  
Inc., B-240488, Nov. 28, 1990, 90-2 CPD ¶ 437. ITS then  
filed for reconsideration and its request was dismissed  
because the firm chose to raise identical issues in its court  
action, International Transcription Servs., Inc. v. United  
States, Civil Action No. 90-3129 (D. D.C. Jan. 23, 1991). See  
International Transcription Servs., Inc.--Recon., B-240488.2,  
Jan. 2, 1991. On January 23, 1991, the court found in favor  
of ITS and remanded the matter to the FCC for resolicitation.  
In light of the court's decision, ITS now requests that we  
award it the costs of pursuing its protest to the extent that  
it is not compensated by the District Court.

Our authority to allow protest costs is governed by 31 U.S.C.  
§ 3554(c)(1) (1988) which authorizes their award only "[i]f  
the Comptroller General determines that . . . the award of a  
contract does not comply with a statute or regulation. . . ."

No such determination has been made by the Comptroller General in this matter and we, therefore, deny ITS's request.

A handwritten signature in black ink, appearing to read 'R. Strong', written over the printed name.

Robert Strong  
Associate General Counsel